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Chair

The Honourable Larry Bagnell

Standing Committee on Procedure and House Affairs

Thursday, October 4, 2018

● (1115)

[*English*]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning and welcome to the 122nd meeting of the Standing Committee on Procedure and House Affairs.

For members' information, this meeting is being held in public. It's great to have Bill Curry here.

Remember from Tuesday's meeting that we're carrying on discussion of scheduling for clause-by-clause consideration of Bill C-76.

Ruby, you wanted to speak.

Ms. Ruby Sahota (Brampton North, Lib.): Mr. Chair, I want to propose that we try to seek unanimous consent for the following: That Mr. Reid's subamendment and Mr. Nater's amendment to my motion respecting the scheduling of the clause-by-clause of Bill C-76 be deemed withdrawn, and that my previous motion be amended so that it now reads—and I can read the motion, if you would like.

The Chair: It might be better to withdraw all of it and then just start over with a new motion.

Ms. Ruby Sahota: I don't know if they would want to hear the motion before withdrawing the amendment and subamendment. Perhaps you could advise how to proceed on that.

The Chair: Does everyone have a copy of what she is going to say?

Mrs. Stephanie Kusie (Calgary Midnapore, CPC): Yes.

The Chair: Ruby, the clerk's suggesting it might be cleaner to just withdraw the motion and all amendments and then propose your new motion.

Ms. Ruby Sahota: Okay. That's what we'll do. If we can get—

The Chair: We would just withdraw the motion and amendments on the table, and then Ruby's proposing a new—

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Would you first clear the table and then introduce something new?

The Chair: Yes.

Mr. Nathan Cullen: Okay. Do you need to seek unanimous consent to do that first?

Ms. Ruby Sahota: Yes. Can we get unanimous consent to withdraw all the subamendments and amendments and my original motion, so I can propose a new motion?

Some hon. members: Agreed.

(Subamendment withdrawn)

(Amendment withdrawn)

(Motion withdrawn)

Ms. Ruby Sahota: Thank you.

The new motion is:

> That the Hon. Karina Gould, Minister of Democratic Institutions, be invited to appear from 3:30 p.m. to 4:30 p.m. on Monday, October 15, 2018, in relation to the study of Bill C-76;
>
> That the Committee commence clause-by-clause consideration of Bill C-76 on Monday, October 15, 2018 at 4:30 p.m.;
>
> That the Chair be empowered to hold meetings outside of normal hours to accommodate clause-by-clause consideration;
>
> That the Chair may limit debate on each clause to a maximum of five minutes per party, per clause;
>
> That if the Committee has not completed the clause-by-clause consideration of the Bill by 1:00 p.m. on Friday, October 19, 2018, all remaining amendments submitted to the Committee shall be deemed moved, the Chair shall put the question, forthwith and successively, without further debate on all remaining clauses and proposed amendments, as well as each and every question necessary to dispose of clause-by-clause consideration of the Bill, as well as questions necessary to report the Bill to the House and to order the Chair to report the Bill to the House as soon as possible; and,
>
> That Bill C-76, in Clause 232, be amended to—

Sorry, I have an error. Can we double-check? I had it written down incorrectly, so I just want to make sure the clause we're amending is not 232, but in fact is 262.

There's a minor correction:

> That Bill C-76, in Clause 262, be amended by replacing line 32 on page 153 with the following: "election period is $1,400,000."

The Chair: There's a little trouble in the sound booth. They're going to reboot the system. It's a technical issue.

Okay. Let's try it again.

Are you finished, Ms. Sahota?

Ms. Ruby Sahota: Yes, I am finished.

Did it get through translation completely?

● (1120)

The Chair: The clerk will read it again so that it's on the record.

The Clerk of the Committee (Mr. Andrew Lauzon): The motion is as follows:

> That the Hon. Karina Gould, Minister of Democratic Institutions, be invited to appear from 3:30 p.m. to 4:30 p.m. on Monday, October 15, 2018, in relation to the study of Bill C-76;
>
> That the Committee commence clause-by-clause consideration of Bill C-76 on Monday, October 15, 2018, at 4:30 p.m.;
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> That the Chair be empowered to hold meetings outside of the normal hours to accommodate clause-by-clause consideration;
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> That the Chair may limit the debate on each clause to a maximum of five minutes per party, per clause;
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> That if the committee has not completed the clause-by-clause consideration of the Bill by 1:00 p.m. on Friday, October 19, 2018, all remaining amendments submitted to the Committee shall be deemed moved, the Chair shall put the question, forthwith and successively, without further debate on all remaining clauses and proposed amendments, as well as each and every question necessary to dispose of clause-by-clause consideration of the Bill, as well as questions necessary to report the Bill to the House and to order the Chair to report to the House as soon as possible; and,
>
> That Bill C-76, in Clause 262, be amended by replacing line 32 on page 153 with the following: "election period is $1,400,000."

The Chair: With the trouble in the sound booth, can I suggest that if the language didn't come through properly the committee just agree that the copy they have in front of them is the one for the official record?

Ms. Linda Lapointe (Rivière-des-Mille-Îles, Lib.): If I may, in French there's something missing.

[*Translation*]

On the last line, where it mentions the amount of $1.4 million, it does not mention the election period.

Is that not necessary?

Okay.

[*English*]

The Chair: Mr. Cullen.

Mr. Nathan Cullen: Just to clarify, Chair, the French version is correct even though the two versions are different in the amendment.

[*Translation*]

Was that the point of your question, Ms. Lapointe?

Ms. Linda Lapointe: Yes.

[*English*]

Mr. Nathan Cullen: Okay.

Chair, do we have interpretation services now?

The Chair: Yes, it's working now.

[*Translation*]

Mr. Nathan Cullen: Is it working?

[*English*]

Okay.

You were asking for this to be officially.... I'm just confused as to why your suggestion was to make this....

As Ruby just...or, sorry, as Ms. Dhalla just read it—

An hon. member: That's the wrong Ruby.

Mr. Nathan Cullen: Oh, my gosh. Did I do that? I did that, didn't I?

Some hon. members: Oh, oh!

An hon. member: You owe five dollars for that.

Mr. Nathan Cullen: Is it five bucks? Wait. Does that go on inflation, similar to the amendment?

My apologies. Her memory is burned into me.

An hon. member: For so many, for so many.

Some hon. members: Oh, oh!

Mr. Nathan Cullen: For so many; more you than me, probably.

Did you get that adjustment made?

I just want to understand how we're proceeding on Ruby's amendment.

The Chair: Just keep talking because it's still not—

Mr. Nathan Cullen: Be careful what you wish for. I'm a professional.

I just want to understand how we're proceeding, because you asked for the written one to be the official one. Typically, on committee, what's spoken goes into Hansard, and that's what we work off of. Were you doing that because interpretation services were not functioning? Now that they are, and if they are, then we should just proceed.

The Chair: They're not yet.

They're still not. Trust me, I don't want to delay anything. We need to have functioning interpretation services for the committee to work.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): The problem is not just that. I don't know if that means we're not being recorded, which is what they're going to base our Hansard on.

Mr. Nathan Cullen: This is not just our normal committee meeting. This is a sensitive meeting with amendments that we're trying to get through. If we move to amendments and clause-by-clause stage, interpretation services have to work, because my French is not good enough to understand.

The Chair: Let's just suspend for a couple of minutes while the technicians work on this.

● _____ (Pause) _____ ●

● (1130)

The Chair: Let's just summarize. We have agreement to withdraw the amendment, the subamendment, and the previous motion.

We'll have the clerk reread the motion so it's official in both languages.

The Clerk: The text of the motion is, again:

> That the Hon. Karina Gould, Minister of Democratic Institutions, be invited to appear from 3:30 p.m. to 4:30 p.m. on Monday, October 15, 2018, in relation to the study of Bill C-76;

That the committee commence clause-by-clause consideration of Bill C-76 on Monday, October 15, 2018 at 4:30 p.m.;

That the Chair be empowered to hold meetings outside of normal hours to accommodate clause-by-clause consideration;

That the Chair may limit debate on each clause to a maximum of five minutes per party, per clause;

That if the committee has not completed the clause-by-clause consideration of the Bill by 1:00 p.m. on Friday, October 19, 2018, all remaining amendments submitted to the Committee shall be deemed moved, the Chair shall put the question, forthwith and successively, without further debate on all remaining clauses and proposed amendments, as well as each and every question necessary to dispose of clause-by-clause consideration of the bill, as well as questions necessary to report the Bill to the House and to order the Chair to report the bill to the House as soon as possible; and

That Bill C-76, in Clause 262, be amended by replacing line 32 on page 153 with the following: "election period is $1,400,000."

The Chair: We have a speakers list.

Mr. Cullen, you're the one person on the speakers list.

Mr. Nathan Cullen: I was just looking to appreciate efforts, because saying this has been a long and winding road would be a compliment to this process. It's been a couple of years of going back and forth. I wanted to get my citation correct, because it's important.

I think it was Otto von Bismarck, the iron prince, who said that laws are like sausages; it's better not to see them being made. To retain respect for sausages and laws, one must not watch them in the making. There is apparently some debate on the Internet as to whether he was the one, in fact, who said it, but the citation works for this particular process that we're in.

Here we are. The New Democrats have expressed for more than a year and a half the urgency to want to reform our election laws, and in particular get rid of the so-called unfair elections act changes that were made unilaterally in the previous Parliament, which I think sought to disenfranchise certain Canadians, particularly low-income, indigenous and young Canadians, making it harder for them to vote. Interest and enthusiasm from me and Mr. Christopherson has been strong from the start, and I hope that the government acknowledges that we've been trying in good faith to see these amendments and other things that we think the election laws needed to be updated on acted on.

The delays have caused us to come to this point. The delay is initially, I would argue, on the government's side. A bill was introduced and then nothing was done with it for a year and a half. Then this new, larger bill—it's a little over 340 pages—is in front of us. It does more than the original bill. We now have the bill in front of us with 300-plus amendments to it, and there's the suggestion I've heard from Ruby as to the process that we use.

If I understand it right, Ruby, it's to have the minister come in on a Monday when we're back from the riding week, to begin clause-by-clause, and to wrap all that up five days later.

Ms. Ruby Sahota: Yes.

Mr. Nathan Cullen: There's some allocation of time that's not designated in your motion, that the chair has the discretion to set committee times.

Within the motion are two things that are troubling for me. One is that there is a time allocation on amendments, that there's a time restriction on a party's ability to speak to amendments.

We've talked about it in the past, and this is a question I have for committee members. I would like for that to not be enforced strictly, because there are some amendments that I will suggest will either pass or be defeated without much commentary, and there are other amendments of much greater substance and import that may require a little more than five minutes to explain the rationale. I think that discretion should go to the chair.

The Chair: Mr. Cullen, it does say "may".

Mr. Nathan Cullen: Is "may" a sufficient discretion for you, Chair, to be able to say you're going to let people talk it through?

The Chair: Yes.

Mr. Nathan Cullen: Okay. Thank you for that.

"May" has been interpreted in Parliament in several ways. Sometimes governments loathe "may", and what they actually meant was "shall" and "must".

There is a second concern that we have. The negotiations that I assume have happened between the government and the Conservative official opposition were primarily around what's included at the very end of Ruby's motion, that there is now a pre-election spending limit of $1.4 million.

I have an inquiry to the government as to what that means for 2019. This is pro-rated to inflation, is it not? "Adjusted to inflation" is the more correct term. It comes out to somewhere near $2 million in a pre-writ period. I'm still seeking to know what that will be in 2023 through inflationary numbers. This is not an insignificant amount of money.

I can't help but reflect—and Ruby will understand why this is interesting or ironic—that at the end of our last efforts at democratic reform, the ERRE committee made negotiations between me, the Greens, the Bloc, and the Conservatives to arrive at a report that we could agree to. The then minister of democratic reform expressed such disappointment with me that we would ever negotiate with Conservatives over anything to do with our elections. I thought that was the point, actually. I thought the point of that exercise was to try to come to some multipartisan agreement.

I have to register this. While I appreciate that there has been whatever back channel negotiations among the parties, if the process required unanimous consent, it would have been a really good idea to contact us more than five minutes before the meeting to understand what was being negotiated. It's hard for us to feel particularly respected or included if a piece of paper is dropped on our desk five minutes before the meeting.

All that being said, as my grandma used to say, a lack of planning on my part didn't make for a crisis on hers. However, here we are, having blown through the Chief Electoral Officer's deadlines on making some reforms. He's told us that he can't do a bunch of things in Bill C-76 because so much time has been lost that it's not going to happen for the next election. There are some really good things actually, if we were to pass them as a committee. That is unfortunate, and that was unnecessary, in my mind.

It seems that the Liberals are okay with increasing the spending limits. Chair, I question that as a principle in terms of the fairness of the election. Parties that have more will do more and be able to influence more.

There is a cap, which is appreciated, but it's a significant cap. To most Canadians, $2 million is a lot of money. To most third party civil society groups, $2 million is an unimaginable amount of money to spend in an election period. They'll never attain that kind of influence.

However, we prefer and favour parties all the time in our legislation, as you know, Chair, over the voices of others. Parties are protected.

The last thing I'll say, and I'll wrap up, is that I hope this is seen—if we support this—as good faith towards some of the amendments we have, around some of the other important things we've heard evidence on from our Chief Electoral Officer, the Privacy Commissioner, and others, about making our elections truly fair. We've tried to only put forward amendments that were based on evidence, and particularly around things like privacy and the intervention of social media.

I don't know if folks are following Cambridge Analytica and what the ethics committee is looking at right now. There was a report on the CBC this morning, on *The Current*, with a member of that committee. It is incredibly disturbing, and we are incredibly unprepared.

Our British colleagues were unprepared for having a free and fair vote on their Brexit decision, where a Canadian company was receiving what I think were illegal funds to then influence British voters.

We have fewer protections than the British do as the law sits right now. Some of our amendments are attempting to fix those holes, plug those holes, so that our elections, our referenda, are fought fairly, and not with outside money from foreign governments and foreign interference.

All that said, there's a bit of nose holding on this, to see this thing through. But in the larger effort of fixing the damage that was done in the previous Parliament to our ability to vote freely in this country, we're prepared to vote for this. That's with the understanding of some good faith intention as we move forward with further clause-by-clause consideration and the amendments we've brought forward.

● (1135)

The Chair: Are there any other speakers to the motion?

Mr. Scott Reid: I have a question for Mr. Cullen.

You made reference to having proposals. Is that a reference to the amendments that the New Democrats have put in?

Mr. Nathan Cullen: Yes, particularly the amendments around responsibilities in social media and advertising, as well as toward Canadians' privacy and the information that parties collect—not on their behalf, but on our behalf.

Mr. Scott Reid: Right, I've got it. Thank you.

The Chair: We will go to the vote.

(Motion agreed to)

The Chair: I'd just like to do a couple of things before we adjourn.

One is just a technical point. When I listed the amendments last time I gave you the number of the amendments. There have been a few more Conservative amendments since those numbers. They're in your package and you have them.

● (1140)

Mr. Nathan Cullen: Do you know the total number?

Some hon. members: Oh, oh!

Mr. Nathan Cullen: Let the record show a large intake of breath.

Mr. Philippe Méla (Legislative Clerk): I was going to say plus 15, but I would say around 340 or so.

Mr. Nathan Cullen: There are 340 amendments.

Mr. Philippe Méla: Yes, 340.

Mr. Nathan Cullen: That's the total.

Mr. Philippe Méla: Yes, more or less.

Mr. Nathan Cullen: When we return, the work for the committee is to consider 340 amendments in some four or five sitting days, plus the clauses themselves—346 pages of clauses.

The Chair: Mr. Simms.

Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.): For the amendments that are considered to be redundant and are being grouped together for one particular vote—not to mention those that may be out of the scope of the principle of the bill—have they been decided yet, or are we still in the process of that?

Mr. Philippe Méla: We are still in the process of doing it.

They are quite technical. It is complicated to analyze, so we are looking at that. We usually look at how the vote is going to affect one versus the other, the line conflict and so on. If there are some that need to be grouped together because they are linked together, we usually do that.

Mr. Scott Simms: Okay, but didn't you do this in stages, where you started back when you got the first amendments? Do you have to do it all at once?

Mr. Philippe Méla: Right.

The Chair: Everyone knows this is the legislative clerk for this?

An hon. member: A genius.

The Chair: Mr. Reid.

Mr. Scott Reid: I don't think it would be reasonable for any of us to make unreasonable requests, but I will just ask this question. The earlier we get the package to look at, the greater the chance is we'll be able to figure ways, chatting informally, of determining which items are more likely to require a lengthier discussion and which ones can be passed through quickly.

Do you have any kind of estimated time on when you'd be able to get back to us?

Mr. Philippe Méla: It was distributed Tuesday, I believe. It is the final one

Mr. Scott Reid: It is the final one. Okay, so it's up to us.

Mr. Philippe Méla: Yes.

Mr. Scott Reid: Hopefully we can start with those kinds of chats to find ways of.... We all know when it's going to leave here. It will be out of here at 1:00 p.m. on Friday, plus however much time it takes to go through calling a vote on each one. Obviously, getting as much of that done prior to 1:00 p.m. on Friday as opposed to afterwards would be beneficial to everybody. It's not going to affect the actual outcome on anything; it's just going to affect whether people get home to see their families. That's why I make that point.

The Chair: I have a couple more things.

First of all, I'd like to thank the committee for getting this far. How we vote in Canada is very important. In any country in the world, it's very important. The committee has done over a year of very good, positive, professional deliberations, by and large. Even when there are different opinions, people have been very professional and have put good ideas on the table. I think every party is going to add something positive to make this a good package.

Some hon. members: Hear, hear!

The Chair: On the record I'd like to thank Elections Canada, who have been a big part of this with good suggestions to help guide us.

We should have a brief discussion on the times people would like to meet next week. Obviously, we're going to meet every day.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): It's not next week.

The Chair: Sorry, the week after next we're going to meet every day up until Friday, and probably in the morning and after QP.

Is there any direction, especially from the opposition?

There are a lot of amendments, as everyone knows. For the good of Canada and the good of intellectuals, try to think of which ones are insignificant so that we can, as Mr. Cullen said, have a good debate on those that are significant. Pick your battles and I'll be judicious with the time. I'll allow more time on those things that are really important, but I won't allow them to run on forever so that everything can be discussed a bit.

About the timing for next week, particularly from the opposition, do you have any suggestions for how long you would like to meet, and the rough time slots, so that people can prepare for the schedule?

Mr. Cullen.

● (1145)

Mr. Nathan Cullen: I've noticed in committees that we do it all the time where we have extended long hours. Productivity and intelligence usually go down together when we get beyond six hours or eight hours a day, in my experience. Others might have more fortitude than I do. Not for a general debate with committee, but I've traded away a lot of House duties in the last couple of weeks, and they're all coming in the week when we return, so that's a thing, but that's me.

Monday is good. I'm prepared for a good long stretch on Monday. Tuesday afternoon is a problem. On Wednesday, of course, we have caucus. On Wednesday afternoon we're hanging Mr. Scheer, so that's something.... His portrait is being hung.

Some hon. members: Oh, oh!

Mr. Nathan Cullen: It's gallows humour. That's what they call it. They call it a hanging.

The Chair: We could help you.

Mr. Scott Reid: I don't like to miss a good hanging.

Mr. Nathan Cullen: Never.

It's happening right upstairs. I have to be at that for a different reason.

Thursday is bad, and on Friday, of course, everyone is going to be panicked.

Not to have a big debate around it, but it's going to mean a lot of juggling. Mornings are typically better. From 9 a.m. to 11 a.m. is always a better slot.

The Chair: Could I hear from the Conservatives on this?

Do you have some preferences? I know you have a lot of amendments.

Mrs. Stephanie Kusie: The times that are being suggested by our team are Monday from 4:30 p.m. to 7 p.m. or 9 p.m.

I'm not sure why we would be contrary to Monday morning....

An hon. member: It's for hearing from the minister.

Mrs. Stephanie Kusie: Oh, excuse me. Yes, of course, it has to come after the minister. That's true. It's laid out in the motion we just passed.

Then, potentially, Tuesday and Thursday from 9 to 11:45, and then 3:30 to 7—

The Chair: I'm sorry. Was that nine o'clock in the morning?

Mrs. Stephanie Kusie: That's correct.

The Chair: Until...?

Mrs. Stephanie Kusie: Until 11:45.

The Chair: At night?

Mrs. Stephanie Kusie: No, in the morning. Excuse me for not clarifying. Then it's 3:30 p.m. to 7 p.m., and on Wednesday, 3:30 p.m. to 7 p.m. or 9 p.m.

Do you need me to repeat that?

The Chair: Yes, well.....

Ms. Ruby Sahota: Did you say until 11:45? Why not go until one o'clock?

Mr. Scott Reid: We're doing two chunks, so it gives us a bit of a break.

Mrs. Stephanie Kusie: QP is in between.

Ms. Ruby Sahota: Generally we go until one o'clock for the regular committee time, right?

The Chair: That's okay.

Mr. Scott Reid: Do we go from 9 a.m. to 1 p.m. on Tuesday and Thursday?

Mrs. Stephanie Kusie: Yes.

Mr. Scott Reid: May I make a suggestion here?

We might want to knock off early on some of these days if we get exhausted, but if we give ourselves the openness to just keep going by—

Mrs. Stephanie Kusie: That's a good idea, yes.

Mr. Scott Reid: —booking rooms so we don't have to stop, that would let people get a sense of whether we have to stop because we're exhausted or to keep going because we're able to do whatever....

The Chair: Tentatively, the average day you're proposing would be 9 a.m. to 11:45 a.m. and then 3:30 p.m. to 7 p.m. or 9 p.m., or between 7 p.m. and 9 p.m., when we get tired.

Mr. Bittle.

Mr. Chris Bittle (St. Catharines, Lib.): How about we just make the suggestion that the chair work with the vice-chairs to come up with that?

Mrs. Stephanie Kusie: Sure.

Mr. Scott Reid: I like that even better.

Mr. David de Burgh Graham: My one request is that you give the schedule to all of us by the end of this week so we know what we're doing.

Mr. Scott Reid: Chris, that was the intervention that got you back on my Christmas list.

The Chair: We'll use those general guidelines, but we'll work with each party and the vice-chairs.

Roughly, it's from 9 to 11:45 in the mornings and from 3:30 p.m. to sometime between 7 p.m. and 9 p.m., depending on how tired we are. We will not meet during caucus on Wednesday. We will not meet during question period under any circumstances.

Is that okay?

Mr. David de Burgh Graham: You have my request, if it's possible at all, to get the schedule out by the end of this week.

The Chair: We will try.

Mr. David de Burgh Graham: It will help us organize our duties and things.

The Chair: Yes. We'll get the clerk to send a proposal around to the vice-chairs, and then we'll get back to you when we can so that people can plan their schedule next week.

Is there is anything else?

Mr. Cullen.

Mr. Nathan Cullen: I have just this last thing, through you, Chair.

I know that we thank our clerks often. This is a pretty onerous piece of work that they're going through, so to the committee members, happy Thanksgiving, and to our clerks, a happy different kind of Thanksgiving. Good luck with putting all of this together for us.

Chair, I appreciate your work as well.

● (1150)

The Chair: Thank you, everyone, for your co-operation. I think the committee is working well together. We look forward to the week after Thanksgiving.

Happy Thanksgiving, everyone.

The meeting is adjourned.

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